

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

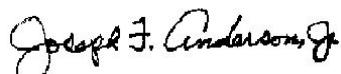
UNITED STATES OF AMERICA ) CR No.: 0:04-898-JFA  
 )  
v. ) ORDER  
 )  
ROY PATRICK SARGEANT )  
 )

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Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at U.S.S.G. § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the defendant's motion (ECF No. 443) is denied. Amendment 750 has no impact on the defendant's guideline range because his sentence was based upon a stipulated to murder cross-reference stemming from his involvement in a drug-related murder. The defendant's sentencing range would not change under Amendment 750 because he is still subject to the murder cross reference which drove his ultimate guideline sentence. Additionally, defendant's motion for appointment of counsel (ECF No. 448) is denied.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

January 11, 2013  
Columbia, South Carolina